

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. No.

05-CV-10294-RWZ

PATRICIA A. LATHAM,
Plaintiff

vs.

**THE MINNESOTA LIFE
INSURANCE COMPANY,**
Defendants

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JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Local Rule 16.1, the parties in the above action submit this Joint Statement in advance of the scheduling conference set for April 19, 2005.

I. Statement Pursuant to Local Rule 16.1(B)

Counsel for plaintiff and defendant state that they have conferred, pursuant to Rule 16.1(b), for the purpose of: (1) preparing an agenda of matters to be discussed at the scheduling conference; (2) preparing a proposed pretrial schedule; and (3) considering whether they will consent to trial by magistrate judge.

II. Statement Pursuant to Local Rule 16.1(C)

The Plaintiff presented a written settlement proposal to the Defendant on April 6, 2005.

III. Joint Statement Pursuant to Local Rule 16.1(D)

A. Joint Discovery Plan

The parties propose the following discovery schedule.

1. Written Discovery

The parties propose that written discovery requests be served within sixty days of the scheduling conference.

1. Depositions

The parties propose that all depositions be completed within ninety days of the scheduling conference.

3. Experts

The parties propose that plaintiff's expert witnesses, if any, be identified with accompanying report within ninety days of the scheduling conference, and that defendant's experts be identified with accompanying report within fourteen days thereafter. Expert depositions shall be concluded within one hundred twenty days of the scheduling conference.

B. Proposed Motion Schedule

The parties propose that motions for summary judgment and other dispositive motions be served within one hundred fifty days of the scheduling conference.

C. Proposed Pre-Trial Conference Date

The parties propose a pre-trial conference in this matter on November 16, 2005, or as soon thereafter as the Court's calendar permits.

D. Trial By Magistrate Judge

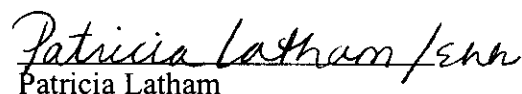
Plaintiff is not willing to agree to trial by a magistrate judge.

E. Certification

1. Plaintiff's Certification:

Plaintiff and Plaintiff's counsel certify that they have conferred:

- a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and
- b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.


Patricia Latham

2. Defendant's Certification:

Defendant and Defendant's counsel certify that they have conferred:

- a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and
- b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Ellyn Hurd for Minnesota Life Ins. Co.
An authorized representative
The Minnesota Life Insurance Co.

Respectfully Submitted,
Attorneys for Plaintiff,

Ellyn Hurd

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4-12-05

CERTIFICATE OF SERVICE

I, Ellyn Hurd, hereby certify that on this day, a true copy of the foregoing Notice of Scheduling Conference and Local Rule 16.1 was served upon the following counsel of record via regular U.S. mail, postage prepaid:

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Ellyn Hurd, Esquire

Dated: April 12, 2005